UNITED NATIONS

GENERAL ASSEMBLY

Distr.
GENERAL

A/CONF.169/RPM.2
25 February 1994

ORIGINAL: ENGLISH

NINTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

REPORT OF THE AFRICAN REGIONAL PREPARATORY MEETING FOR THE NINTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

Kampala, Uganda, 14-18 February 1994

CONTENTS

	Paragraphs	Page
RECOMMENDATIONS		3
Resolution. Effective action against national and transnational crime		3
Declaration on the African Institute for the Prevention of Crime and the Treatment of Offenders		8
INTRODUCTION	1	11
Chapter		
I. ATTENDANCE AND ORGANIZATION OF WORK	2-15	11
A. Date and venue of the Meeting	2	11
B. Attendance	3	11
C. Opening of the Meeting	4-12	11
D. Election of officers	13	12
E. Adoption of the agenda	14	13
F. List of documents	15	13
II. REPORT OF THE DISCUSSION	16-88	14
Topic 1: International cooperation and practical technical assistance for strengthening the rule of law: promoting the United Nations crime prevention and criminal justice programme	16-37	14

V.94-21255T

		Paragraphs	Page
Topic 2:	Action against national and transnational economic and organized crime, and the role of criminal law in the protection of the environment: national experiences and international cooperation	38-56	18
Topic 3:	Criminal justice and police systems: management and improvement of police and other law enforcement agencies, prosecution, courts, corrections; and the role of lawyers	57-77	21
Topic 4:	Crime prevention strategies, in particular as related to crime in urban areas and juvenile and violent criminality, including the question of victims: assessment and new perspectives	78-88	24
III.	ADOPTION OF THE REPORT OF THE MEETING	89-90	26

Annexes

I.	List of participants	27
II.	List of documents	33

RECOMMENDATIONS

The African Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, after extensive discussion of the various issues related to the four substantive topics of the provisional agenda of the Ninth Congress, as outlined in the discussion guide (A/CONF.169/PM.1), unanimously adopted the resolution and the declaration below, recommending their submission to the Commission on Crime Prevention and Criminal Justice at its third session and to the Ninth United Nations Congress for further consideration and appropriate action.

Resolution

Effective action against national and transnational crime

The African Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Bearing in mind the goals of the United Nations in the field of crime prevention and criminal justice, specifically the reduction of criminality, more efficient and effective law enforcement and administration of justice, the observance of human rights and the promotion of the highest standards of fairness, humanity and professional conduct,

Also bearing in mind General Assembly resolution 46/152 on the creation of an effective United Nations crime prevention and criminal justice programme, and Economic and Social Council resolutions 1992/24 and 1993/32 on the preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Concerned by the increasing seriousness of the external debt and the constraints that it imposes upon most African countries in implementing structural adjustment programmes that have negative consequences, producing unemployment and dislocation, which provide fertile ground for social disorder and new forms of criminality,

Noting the seriousness of migration as a result of economic imbalance and political instability, and its multiplying effects on criminal activities,

Gravely alarmed by the rapid growth and seriousness of terrorism as a form of violent crime which poses a direct threat to the security of citizens, as well as to the security of countries and to international stability,

Gravely alarmed also by the rapid growth and sophistication of organized transnational crime, in particular the increasing dimensions of alien smuggling, illicit trafficking of drugs and weapons, as well as their effects on society,

Alarmed by the increase of vehicle theft on the continent and the amount of money earned by organized crime groups which exploit the lack of international cooperation in the control of this traffic,

Also alarmed by the growth of urban criminality and the threat this poses to urban and national development, in particular in the context of fragile economies and rapid social change,

Aware of the pressing need for increased international cooperation in order to prevent the continued transfer of the proceeds of illegal activities across national frontiers by criminal organizations taking advantage of gaps in international cooperation, and thus escaping detection,

Concerned by the fact that criminal prosecution and the gathering of evidence are made very difficult when witnesses to the commission of a crime are absent from the country in which the crime was committed,

Aware of the growing threat to society that crimes against the environment represent, in particular with regard to the mismanagement and illicit dumping of hazardous waste,

Recognizing the essential role of the United Nations, as well as the important functions of the regional crime prevention and criminal justice institutes in the development of crime prevention and criminal justice strategies consistent with regional political, economic, social and cultural requirements,

I. Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

1. Requests the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to develop effective crime prevention and criminal justice strategies, facilitating technical assistance in relevant fields, e.g. by serving as a forum where the need for technical assistance and the capacity of the donor community may meet;

2. Invites the Ninth Congress to emphasize the importance of traditional mechanisms of justice such as processes of mediation, social reconciliation, restitution, compensation and non-custodial measures, in view of their potential in inspiring new strategies for coping with criminality, reduction of prison overcrowding and the general need to restore faith in the judicial system;

3. Invites the Ninth Congress to place special emphasis on and to ensure sufficient time for the realization of the planned workshops, and requests the Secretariat to continue its cooperation with a variety of non-governmental organizations in the setting up of ancillary meetings on relevant issues;

4. Further requests the Ninth Congress to identify effective measures for the prevention of the corruption of public officials at the designated plenary discussion, taking successful experiences in this field into account;

5. Calls on Member States in the African region to take an active part in the Ninth Congress to prepare national reports and to include in their delegations high-ranking officials and policy makers from the various sectors of the criminal justice system;

6. Requests the Secretary-General to make every effort to ensure the participation of as many Member States as possible in the Ninth Congress, including provision of the necessary resources for travel and per diem for delegates from the least developed countries.

II. International cooperation for strengthening the rule of law and practical technical assistance, including the promotion of the United Nations crime prevention and criminal justice programme

1. Urges Member States to continue to make all efforts possible to strengthen the rule of law, including the promotion and the use and application of recognized international instruments in the field of crime prevention and criminal justice;

2. Calls upon the relevant intergovernmental and non-governmental organizations to continue cooperating with the United Nations in developing manuals and training curricula and in organizing courses in the African region, in the various areas of crime prevention and criminal justice;

3. Urges the United Nations Development Programme and the World Bank, as well as international, regional and national funding agencies to support technical cooperation activities devoted to strengthening the rule of law and to cooperating with the United Nations crime prevention and criminal justice programme in order to ensure proper coordination;

4. Requests the Secretary-General once again to give effect to General Assembly resolutions 46/152, 47/91 and 48/103 and to Economic and Social Council resolutions 1992/22 and 1993/34 by providing the necessary resources required for the implementation of the United Nations crime prevention and criminal justice programme, especially in view of the increasing number of requests from Member States for technical assistance, and by upgrading the Crime Prevention and Criminal Justice Branch to a division headed by a director;

5. Further encourages the Secretary-General, as a way of strengthening the rule of law, to continue to include in peace-keeping operations the reestablishment and reform of criminal justice systems, and commends the efforts of the Justice Division in Somalia;

6. Strongly recommends the initiative of organizing an international event, such as a United Nations crime prevention international day or week, in order to highlight the problems of crime at the global level and to emphasize the need for local, national and international action.

III. Measures against transnational and organized crime

1. Expresses support for the World Ministerial Conference on Organized Transnational Crime (Economic and Social Council resolution 93/29) and requests the Secretary-General to explore all options to enable African countries to fully participate in it;

2. Invites Member States to consider ways of further strengthening international cooperation in the investigation and adjudication process regarding transnational and organized criminality, by enacting appropriate legal instruments, including the development of a convention on organized transnational criminality and of implementing legislations;

3. Calls on Member States to enact legal provisions, including the establishment of enforcement and monitoring mechanisms, concerning economic crime, such as corruption, fraud, embezzlement and money-laundering, each of them often constituting a link in a larger chain of offences having a tremendous negative impact on the economic situation of the region;

4. Urges Member States to cooperate in identifying new forms of organized crime, including criminal terrorist acts aimed at achieving political goals through destabilizing democratic societies by violent acts, as well as their links with all forms of organized crime, and to conclude relevant mutual assistance agreements to counter them;

5. Recommends that the Commission on Crime Prevention and Criminal Justice decide to include this issue as part of topic 2 for consideration by the Ninth Congress, so as to enhance cooperation among relevant agencies of Member States;

6. Calls on Member States of the African region to conclude and enter into a multilateral convention on mutual assistance in criminal matters, which should include the obtaining of evidence from persons who are witnesses to the commission of a crime or are able to give relevant information before a competent court of law with regard to a crime committed in another country;

7. Recommends taking into consideration the existing Economic Community of West African States Convention on Mutual Assistance in Criminal Matters, based on the United Nations model treaties adopted by the Eighth Congress on the Prevention of Crime and the Treatment of Offenders and the General Assembly at its forty-fifth session, in order to develop such a convention at the regional level, including in the field of extradition;

8. Requests Member States to refrain from registering imported used vehicles without prior clearance being obtained from the relevant authority of the country of origin;

9. Recommends the creation of joint structures for the coordination of the fight against organized crime groups and the establishment of international procedural standards for importing used vehicles and the establishment of a simple process by which stolen vehicles can be returned to the country of origin;

10. Urges Member States to consider ways of enhancing coordination between various agencies of their national crime prevention and criminal justice system in order to tackle transborder crimes such as drug trafficking, traffic in stolen vehicles, money-laundering and terrorism;

11. Requests all relevant United Nations bodies, as well as intergovernmental and non-governmental organizations, and in particular the United Nations crime prevention and criminal justice programme, to assist African countries in enhancing their capacities to enact criminal law provisions for the protection of the environment, so as to encourage implementation of the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement of Hazardous Waste within Africa.

IV. Criminal Justice Systems

1. Urges Member States to improve human resources development and upgrade the skills of criminal justice personnel, whereon successful criminal justice management depends;

2. Calls on Member States:

(a) To enhance community policing approaches with a view to reducing the social distance between law enforcement officials and the public they serve, in order to provide role visibility and increase trust and public confidence;

(b) To promote cooperation with the local population and the private sector, when undertaking crime prevention activities;

(c) To codify as criminal offences with appropriate penalties, those acts which are injurious to the welfare of the society and victimize large segments of the population, such as acts endangering the environment and the economy;

(d) To make the necessary provisions ensuring that the rights of victims are fully recognized, particularly by way of restitution and compensation, in accordance with the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34);

(e) To take into consideration the human and material resources available in the African communities, in planning and implementing criminal justice reforms;

3. Urges Member States to ensure the independence and impartiality of the judiciary and the proper role of prosecutorial services;

4. Invites Member States to examine ways of ensuring the most basic needs and rights of detainees and encourages the mobilization of donor countries and international funding agencies to support developing countries in their effort to improve prison conditions;

5. Calls on Member States to take effective measures against the spread of the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) as well as other diseases among the prison population;

6. Urges Member States to adopt policies on juvenile delinquency prevention and to enact appropriate legislation on juvenile justice;

7. Requests the Secretary-General to promote technical cooperation projects on penal law reform and modernization of the criminal justice administration, particularly in the following areas:

(a) Training of law enforcement officials, with respect to United Nations standards and norms;

(b) Implementation of non-custodial measures and other projects aimed at the reduction of the prison population, taking into account the United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules) contained in General Assembly resolution 45/110, annex;

(c) Improvement of prison health, with special reference to the implementation of the Guidelines of the World Health Organization on HIV Infection and AIDS in Prisons;

(d) Improvement of juvenile justice systems, in accordance with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) contained in General Assembly resolution 40/33, annex.

V. Crime prevention strategies, in particular as related to urban areas

1. Welcomes the proposed guidelines for cooperation and technical assistance in the field of urban crime prevention, contained in Economic and Social Council resolution 1993/27, as a useful instrument for developing national policies in this field; expresses the hope that they will be favourably examined by the Commission on Crime Prevention and Criminal Justice at its third session and adopted by the Ninth Congress; and requests Member States to provide funds for projects following the provisions of the guidelines;

2. Urges Member States, in tackling the problem of urban criminality, to develop projects related to juvenile delinquency as well as the control of crimes committed against children, so as to more effectively deal with the problem of street children and their exploitation for criminal activities;

3. Invites Member States to continue to actively support the organization of workshops and training programmes on the subject of urban criminality, paying specific attention to the interrelationship between urban criminality and social development;

4. Urges Member States to develop educational, social and other programmes based on mutual respect and tolerance in order to lower the level of violence in society; and welcomes with appreciation the holding of workshops on these themes during the Ninth Congress;

5. Emphasizes, in this respect, the importance of conflict prevention, management, mediation and resolution mechanisms;

6. Requests the Secretariat of the United Nations to develop acceptable definitions for the technical terms used in this field;

7. Emphasizes the primordial importance of education, at all levels, and for all sectors of society.

DECLARATION ON THE AFRICAN INSTITUTE FOR THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

The African Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in its Special Joint Session of Ministers of Justice and Interior and Government Representatives, held at Kampala, Uganda on 14 and 15 February 1994, unanimously resolves as follows:

Whereas the African Regional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders expressed the wish for the full operationalization of the African Institute for the Prevention of Crime and the Treatment of Offenders and expressed its gratitude to the Government of Uganda for its generous offer to provide host facilities,

Whereas the Government of Uganda subsequently fulfilled its commitment and provided to the Institute excellent and extensive hosting facilities at great cost, notwithstanding the demands of the post-civil war reconstruction,

Whereas considerable progress has been made since the establishment of the Institute in the fields of training, provision of advisory services, information and documentation, promotion of collaboration among governments of the region as well as establishment of useful contacts at regional and international levels,

Whereas the Institute has been increasingly recognized by Member States as a dynamic and operational instrument for enhancing regional cooperation, coordination and collaboration in the fight against crime and in the promotion of criminal justice and human rights in the region,

Whereas this progress was made possible largely because of programme funding by the United Nations Development Programme, which was due to expire in December 1993, and United Nations grants,

Whereas the Statute of the Institute clearly stipulates that the sustenance and survival of the Institute is the responsibility of its member States,

Whereas there exists grave concern due to the precarious financial position of the Institute, and due to inadequate remittances of assessed contributions by member States which amounted to US$ 139,051 only, out of the expected US$ 1,003,466 for the period 1989-1993,

Whereas there exists serious concern for the inability of most member States to fulfil their obligations to the Institute,

Whereas urgent and repeated calls were made by the General Assembly, in its resolutions 46/153, 47/89 and 48/101, and the Economic and Social Council, in its resolution 1993/33, for support for the Institute,

Whereas similar calls were made by the African Regional Preparatory Meeting for the Eighth Congress, and by the Congress itself,

Whereas previous appeals for financial and material support for the Institute from Governments and intergovernmental and non-governmental organizations have not achieved the expected results,

Whereas the Institute serves a region in which most of the countries have the status of developing or least developed and are faced with insurmountable social and economic problems, including famine and civil strife in some cases, whose failure to meet their financial obligations to the Institute does not necessarily mean that they do not appreciate its work and importance,

Whereas attention is drawn to the usefulness of the Institute whose mandated activities include training, advisory services to Governments, action and policy-oriented research, as well as information and documentation services, and assistance to member States in the use and application of United Nations standards and norms in crime prevention and criminal justice,

Whereas attention is also drawn to the role of the Institute in promoting regional cooperation and coordination in crime prevention and criminal justice, including assistance in the preparations for the Ninth Congress and the promotion of the United Nations crime prevention and criminal justice programme, in accordance with General Assembly resolution 46/152, annex, section II, F,

Whereas full recognition is being accorded to the financial, material and moral support of the General Assembly, the United Nations Development Programme, the Economic Commission for Africa, the people and the Government of Uganda, member States of the Institute and other Governments as well as all institutions and organizations which have provided assistance and goodwill to the Institute,

1. Reaffirms the momentous importance and vital role of the African Institute for the Prevention of Crime and the Treatment of Offenders in pursuance of its mandated activities in Africa, a region which is devoting its efforts in the areas of democratization, crime prevention, criminal justice reform, observance of human rights, personnel training and action-oriented research under difficult economic conditions;

2. Expresses its gratitude to the Government of Uganda for the generous provision of host facilities;

3. Acknowledges with satisfaction the activities so far undertaken by the Institute towards the realization of its mandate, under the overall policy guidance of its Governing Board and the effective management of its Acting Director, with the cooperation of the relevant United Nations organs, as contained in the report of the Secretary-General to the General Assembly (A/48/332); and the background document of the Institute presented to the meeting;

4. Notes with satisfaction that to date 26 member States have ratified the Statute of the Institute,

5. Urges Governments in the region which have not yet acceded to the Statute of the Institute to do so as a matter of priority, particularly through the efforts of ministers of justice, the interior and foreign affairs, in order to broaden the Institute's support base in the region,

6. Strongly appeals to member States of the Institute to make timely contributions, including payment of arrears, within a reasonable time to guarantee both its survival and the implementation of its work programme;

7. Encourages Member States to consider the secondment of experts to work for the Institute at their expense and to establish focal points to coordinate their activities with the Institute;

8. Express the hope that the vacant post of Director of the Institute will be filled as soon as possible,

9. Welcomes the decision of the General Assembly, in its resolution 48/228, section II, paragraph 56, to extend a subvention to the Institute, and the request to the Secretary-General to make proposals for the long term financing of the Institute;

10. Invites the Secretary-General of the United Nations and the Executive Secretary of the Economic Commission for Africa to make every effort to ensure that sufficient resources are provided to the Institute within the overall appropriation of the programme budget, to enable it to implement, in full and on time, its obligations;

11. Makes a special appeal to the Administrator of the United Nations Development Programme to renew its programme support to the Institute and to continue to provide adequate resources for its institutional strengthening, taking into account the difficult economic and financial situation faced by countries in the African region;

12. Calls upon donor countries and funding agencies, including the private sector and intergovernmental and non-governmental organizations and institutes within the United Nations Crime Prevention and Criminal Justice Programme Network to provide financial and technical support to the Institute;

13. Invites the Conference of Ministers of the Economic Commission for Africa and the Council of Ministers of the Organization of African Unity to consider, at their next meetings, the serious situation of the Institute and to propose viable solutions on the basis of this Declaration;

14. Requests the Organization of African Unity to grant to the Institute observer status and to provide the Institute with financial support in accordance with the rules and regulations of that Organization governing the granting of financial subventions to African continental organizations;

15. Requests the Commission on Crime Prevention and Criminal Justice, in cooperation with the Conference of Ministers of the Economic Commission for Africa, and in accordance with its mandate contained in General Assembly resolution 46/152, annex, section II, E and F, to facilitate the activities of the Institute and to establish, as a matter of urgency, a task force to examine ways and means of strengthening the Institute, with special reference to its financial position, with a view to integrating it fully into the United Nations Crime Prevention and Criminal Justice Programme Network, with a more active participation by the Commission;

16. Further requests the Conference of Ministers of the Economic Commission for Africa and the Commission on Crime Prevention and Criminal Justice to submit their recommendations to the Economic and Social Council at its next substantive session for its consideration and transmission to the General Assembly, as appropriate.

INTRODUCTION

1. The African Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders was the second of five regional preparatory meetings convened to discuss the substantive topics included in the provisional agenda of the Ninth Congress, to be held in 1995, in accordance with General Assembly resolution 46/152 of 18 December 1991 and Economic and Social Council resolution 1993/32 of 27 July 1993. At its forty-eighth session, the General Assembly adopted resolution 48/103, in which it welcomed Council resolution 1993/32 and requested the Secretary-General to undertake all steps necessary to ensure the adequate organization of the Ninth Congress, in accordance with that resolution.

I. ATTENDANCE AND ORGANIZATION OF WORK

A. Date and venue of the Meeting

2. The Meeting was organized by the Crime Prevention and Criminal Justice Branch of the United Nations Office at Vienna, at the invitation of the Government of Uganda and in cooperation with the Economic Commission for Africa (ECA) and the African Institute for the Prevention of Crime and the Treatment of Offenders. The Meeting was held at the Uganda International Conference Centre (UICC), Kampala, Uganda, from 14 to 18 February 1994.

B. Attendance

3. The Meeting was attended by 110 participants, including representatives and experts from 29 Member States, observers from other States, the secretariat of ECA, the Secretariat of the United Nations, United Nations bodies and affiliated institutes, specialized agencies, and intergovernmental and non-governmental organizations. The list of participants is given in annex 1.

C. Opening of the Meeting

4. The Vice President and Minister of Internal Affairs of Uganda, in opening the Meeting, noted that the Government of Uganda had been greatly concerned about the restoration of the rule of law in a country which had suffered from State-inspired violence for a long time. The Government had established the Office of the Inspector General of Government to prevent abuses and resulting violations of human rights. Uganda had also been preoccupied with measures to strengthen in that respect the role of the police, prosecutors, courts, correctional services and other crime prevention agencies.

5. Poverty, he said, played a very important role in the criminalization of the population. In Uganda, most juvenile delinquents came from poor families, single parent or broken families. The family should therefore be strengthened and parental authority restored. One of the most effective ways of preventing crime was to inculcate moral values in children from very early in their lives, and that could best be accomplished in a family environment.

6. The aim of committing offenders to prison was not punishment per se, it was reform and rehabilitation. The human dignity of prisoners must be respected. Rules and regulations must be formalized regarding the treatment of prisoners, taking into account the socio-economic conditions of the countries concerned.

7. The Chief of the Crime Prevention and Criminal Justice Branch, expressed the sincere gratitude of the Secretariat of the United Nations to the Government of Uganda and to ECA for their invaluable assistance. He said that countries of the third world and those in transition in the face of escalating crime rates, looked

increasingly to the United Nations for assistance in the prevention of crime. The needs of Governments from the developing regions had increased and the bulk of the requests for technical assistance related to operational activities and professional services. However, the formulation and implementation of field projects were severely hampered by the scarcity of required funds.

8. For its activities in Africa, the crime prevention and criminal justice programme counted on the Institute as a major partner. The Institute had been working intensively to create a viable structure for research and training in the region, mainly thanks to the assistance provided by UNDP. Despite its efforts, however, the Institute had been confronted from the very beginning with a dire shortage of funds and was now faced with a serious financial crisis, which might jeopardize its very survival. In the circumstances, the Institute needed full support, so that it could continue to play the important role that Member States had assigned to it.

9. The Officer-in-Charge of the African Institute emphasized that the Institute's objectives included the promotion of intergovernmental collaboration and the undertaking of joint action concerning crime prevention and control, including appropriate legal agreements and practical arrangements, at regional and subregional levels. He hoped that the Meeting would highlight the need for cooperation among African countries concerning the prevention and control of transborder and transnational criminality including drug trafficking, and economic and organized crime; and prioritization of advisory services.

10. The representative of the Executive Secretary of ECA pointed out that Africa needed to recognize, much more than before, the importance of viable crime prevention and criminal justice policies and programmes. Those were integral parts of sustained growth, development and social progress. Domestic peace and stability, conditions of law and order, respect for basic human rights, access to the legal systems for all citizens and justice for all were a sine qua non for progress and development in the region.

11. Unfortunately, Africa remained one of the very few regions in the world where human and social deprivation continued to cause grave concern. More than half of the people continued to live in absolute poverty. Malnutrition and hunger, disease, ill health and lack of shelter were widespread. A sizeable number of its people were not productively employed and therefore were unable to meet their basic needs. That number continued to increase year after year with worsening social and economic conditions. Moreover, millions of lives had been lost and families had disintegrated through armed conflicts, political and civil strife, natural disasters and environmental degradation. The AIDS pandemic was threatening Africa's social fabric and its economic capacity. Millions of people had also become refugees and displaced persons.

12. Those adversities combined in a destructive manner to push segments of Africa's population to resort to criminal behaviour. Available data indicated that rates of crime against property and persons, including robbery with violence, were rising, especially in the urban centres. A recent phenomenon which had debilitating effects on human life and the environment was the indiscriminate dumping of toxic waste in some African countries.

D. Election of officers

13. The Meeting elected the following officers:

Chairman:	Tom Butime (Uganda)
Vice-Chairmen:	Cherif Fouad (Egypt)
	Jacques Mbosso (Central African Republic)
	Larba Yarga (Burkina Faso)
Rapporteurs:	Hassan Jallow (the Gambia)
	L. Sondashi (Zambia)

E. Adoption of the agenda

14. The Meeting adopted the following agenda:

1. Opening of the Meeting.

2. Organizational matters.

3. International cooperation and practical technical assistance for strengthening the rule of law: promoting the United Nations crime prevention and criminal justice programme.

4. Action against national and transnational economic and organized crime, and the role of criminal law in the protection of the environment: national experiences and international cooperation.

5. Criminal justice and police systems: management and improvement of police and other law enforcement agencies, prosecution, courts and corrections; and the role of lawyers.

6. Crime prevention strategies, in particular as related to crimes in urban areas and juvenile and violent criminality, including the questions of victims: assessment and new perspectives.

7. Adoption of the report of the Meeting.

F. List of documents

15. The documents before the Meeting are listed in annex II.

II. REPORT OF THE DISCUSSION

Topic 1: International cooperation and practical technical assistance for strengthening the rule of law: promoting the United Nations crime prevention and criminal justice programme

16. Many participants referred to the stagnation and deterioration of the economies in the region. Recession was accompanied by financial instability, high inflation rates and negative capital flows generated by external debt servicing. The most vulnerable segments of the population were the ones most affected by that negative development. As countries with weak economies would continue to face more difficulties in controlling crime than developed countries, the international community should provide resources to show its solidarity with African countries, so as to enable them to strengthen their criminal justice systems.

17. It was stated that the security of a country must be construed in terms of the security of the individual to live in peace, with access to basic necessities of life, while fully participating in the affairs of society and enjoying all fundamental human rights. Lack of democracy, denial of personal liberties, religious intolerance, priority given to military expenditure over other sectors of national life and a lack of proper administrative machinery for the control and management of public funds were some of the other deep-rooted causes of insecurity and crime in Africa. While a series of new laws relating to fundamental rights and the independence of the judiciary had been adopted in a number of countries, which would guarantee equality of people of all races before the law, it was noted that religious intolerance and ethnic antagonism were threatening peace and the democratization process in Africa. Inter-African relations should therefore be improved in order to fight against all forms of destabilization.

18. It was noted that in most countries of the region crime rates had significantly increased. Their effects were undermining people's spiritual and material well-being, creating a climate of lawlessness, fear and uncertainty, and eroding institutions necessary for democratic governance. Conventional or street crime was closely related to economic and social factors such as poverty, unemployment and economic decline resulting in marginalization and lack of opportunity. External indebtedness, weak currencies and low levels of remuneration of public officials were causing corruption and social disintegration. Many participants referred to the increasingly sophisticated forms of criminality involving large amounts of money, to the growing number of violent crimes and to the serious consequences of environmental offences, which deserved special attention from the international community. Great concern was expressed about arms smuggling, drug trafficking, the illicit flight of capital, money-laundering and other large illegal financial transactions.

19. There was general agreement that crime, especially in its transnational dimensions, could not be adequately dealt with by national action alone. Many States were seeking assistance from other countries and international organizations, to share knowledge and information, as well as to undertake joint programmes. National experience could be transmitted to other States for possible adaptation. In the case of transnational crime, mutual assistance and collaboration especially were essential. Developing countries were particularly vulnerable to organized crime because of economic crises and other conditions which weakened the regulatory functions of the State. To be able to cope with it, they needed the establishment of effective criminal justice systems; harmonization of legislation; training of criminal justice personnel, and bilateral and multilateral cooperation, for example, to acquire the necessary evidence for prosecution, to extradite a suspect located in another country or to deal with a convicted foreign offender.

20. All participants agreed that the United Nations had a decisive role to play in encouraging cooperation among States and providing technical assistance and expertise, focused on developing countries. They welcomed General Assembly resolution 46/152 on the creation of an effective crime prevention and criminal justice programme. In expressing their willingness to be directly involved in its activities, they were hopeful that its new structure would enable the United Nations to play an even more meaningful role in the prevention of crime and the enhancement of the criminal justice machinery. The importance of the

continuing involvement of relevant non-governmental organizations in the field of crime prevention and criminal justice was underlined, as a way of increasing technical assistance from the international community. Cooperation with such organizations might help African countries to reinforce indigenous solutions and even help to identify additional resources, human and material.

21. Delegations also welcomed the establishment of a new subprogramme on operational activities, planning and overall coordination, and the efforts undertaken by the Secretariat to carry out operational activities in the priority areas set by the Commission. They reaffirmed those priorities and expressed serious concern about the disparity between the needs for technical assistance and the resources available for the programme. In that connection, they referred to Economic and Social Council resolution 1993/31 by which the Secretary-General was requested, as a matter of urgency, to give effect to General Assembly resolutions 46/152 and 47/91, and to Council resolution 1992/22, and to strengthen the Crime Prevention and Criminal Justice Branch by providing it with the resources required for the full implementation of its mandates and by upgrading it into a division. With an adequate technical cooperation capacity, the United Nations crime prevention and criminal justice programme should play a lead role in providing advisory services to Member States, undertake pilot projects and joint strategies in areas of mutual concern.

22. Many delegations reaffirmed the usefulness of the United Nations norms, guidelines and model treaties, stressing that they could serve as a basis both for domestic legislation and for bilateral and multilateral cooperation against national and transnational forms of crime. While they have been successfully implemented in many countries, there were still major shortfalls in their application and use in several parts of the African region. More work should be done to promote the use and application of the existing standards at the national level, including the organization of training courses, seminars and advisory services that would help to better translate them into practice. While the actual application of the United Nations standards and norms rested on efforts at the national level, their dissemination and promotion should be effected largely by the United Nations.

23. In addition, there was an urgent need for implementing the model treaties designed to facilitate bilateral and multilateral cooperation. The further development of capacities to implement the model treaties and to train criminal justice personnel would foster joint action on transnational crime problems that could not be dealt with adequately by individual States. As an example, mention was made of the assistance provided by the Crime Prevention and Criminal Justice Branch to the Economic Community of West African States (ECOWAS) for the development and implementation of its Convention on Mutual Assistance in Criminal Matters, as well as for the elaboration of a new convention on extradition.

24. All participants stressed that work on the United Nations model treaties should continue. Their effectiveness should be reviewed and obstacles in their application analysed. The expert group meeting on legislation to foster reliance on the model treaties, which had been held in Vienna in October 1993, was referred to as an excellent example of such work. The involvement of the Branch in United Nations peace-keeping operations was noted, including the United Nations Operation in Somalia (UNOSOM). In the activities of UNOSOM, the United Nations standards and norms on crime prevention and criminal justice were very useful as a basis for the re-establishment of the police, the judiciary, prisons, juvenile justice and non-institutional methods for the treatment of offenders. The need to develop and disseminate handbooks for peace-keeping for police was stressed and the relevance of the "Blue book", developed by the United Nations Criminal Justice Branch, was noted.

25. The need for close cooperation with the United Nations Drug Control Programme (UNDCP) was highlighted by many participants. The Chief of the Crime Prevention and Criminal Justice Branch informed the Meeting that joint projects, meetings and seminars had been held or were being planned for 1994-1995. Many participants, in pointing out the difficulties in communication with both the United Nations Secretariat

and the African Institute, stressed the necessity of establishing direct channels of communication with the relevant Ministries, in addition to or in conjunction with the existing official ones.

26. While some delegations proposed adopting common measures at the regional level, such as the creation of a permanent consultative committee in charge of criminal policy, others emphasized the need to create a system of reliable data collection and dissemination in the field of crime prevention and criminal justice. Many requested the advisory services and assistance of the United Nations Secretariat and the African Institute.

27. It was recommended that the Ninth Congress should consider appropriate means for more effectively assisting Member States in the implementation of existing United Nations norms, standards, guidelines and model treaties in crime prevention and criminal justice, including:

(a) Research projects and training programmes, in cooperation with the United Nations interregional and regional institutes and relevant inter- and non-governmental organizations;

(b) Handbooks and manuals on specific subjects;

(c) Development of model curricula and appropriate training materials for criminal justice education and organization of specialized courses on human rights in the administration of justice;

(d) Publication of United Nations regular reports on national experiences in the implementation of standards and norms.

28. Attention was accorded to the important role of the mass media in public awareness and crime prevention education. The influence of television and cinema, particularly on the young, was underlined. A "Crime stop" programme in one country had been very successful. Under that programme, the public was invited to provide pertinent information on crime, through an established toll-free telephone number. Over 1 million calls per month were made, and much valuable information was received. Confidentiality was preserved as callers received code numbers for identification purposes. They telephoned the authorities one week later and, using their code numbers, collected a significant reward, if the information received was valuable. In another country there was a serious problem of suspicion between informers and the police. In the past, those who had approached the police to report crimes had had problems. Lack of education also made people frightened to report crime to the authorities. Therefore, those and similar experiences could be properly reviewed during the Workshop on mass media and crime prevention. In order to increase public awareness and action at all levels, support was given to the proposal to establish a United Nations international day/week on crime prevention.

Regional cooperation and the role of the African Institute

29. The first Joint Meeting of African Ministers of the Interior and Justice was held concurrently with the discussion of topic 1 of the Preparatory Meeting. The major objective, which constituted the agenda topic for the Meeting, was to discuss the enhancement of regional cooperation, particularly the role and precarious financial situation of the African Institute, and to make concrete proposals for follow-up action.

30. Among the participants to the Meeting there were 16 Ministers of the Interior or of Justice, or Attorney/Solicitors General, as well as several high-level officials representing the various sectors of crime prevention and criminal justice in their countries.

31. Speaking on behalf of the Chairman of the Governing Board, the representative of ECA expressed grave concern over the precarious financial situation of the Institute, which was impeding its work and jeopardizing

its future. He emphasized that the Institute was provided with funds by UNDP and the United Nations, with the understanding that member States, the beneficiaries of services, would in due course meet their financial obligations to the Institute. He stressed the vital role the Institute was called upon to play in assisting African countries to combat the rising rate of crime in the region. He therefore appealed to the Ministers to consider the problem seriously and to make concrete proposals for implementation. In that connection, he made the following concrete recommendations for consideration: (a) member States of the Institute which had not paid their assessed contributions should state when they would do so; (b) countries which had not acceded to the Statute of the Institute should indicate when they would do so; and (c) organizations and non-governmental organizations represented at the Meeting were to be invited to indicate the type of assistance they were ready to extend to the Institute.

32. The Acting Director of the Institute, after having outlined its objectives, methods of work and activities, mentioned the difficulties and constraints faced, in particular the fact that of its 26 member States, many had not remitted their assessed financial contributions. That was cause for grave concern, as it was making it impossible for the Institute to fulfil its mandate. Moreover, more than half of African countries had not yet acceded to the Statute of the Institute.

33. The Chief of the Crime Prevention and Criminal Justice Branch stressed the importance of the Institute as part of the United Nations Crime Prevention and Criminal Justice Programme Network, in accordance with the recommendations of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, held at Versailles, from 21 to 23 November 1991, as approved by the General Assembly in its resolution 46/152.

34. There was general agreement that the main problem facing the Institute was the shortage of funds. Of the 52 member States of OAU, 26 had ratified the agreement on the Institute and thus undertaken to pay an annual assessment, ranging from US$ 5,000 to 48,000. Most States, however, had not paid. Thus, whereas the expected contributions from member States for the period of 1989-1993 amounts to US$ 1,003,466, only US$ 139,051 was remitted to the Institute during this period. By the end of 1993, only two countries had remitted in full their assessed contributions. The operational activities of the Institute for the four years ending December 1993 were made possible largely through the financial assistance of UNDP. That assistance had been supplemented by grants from the United Nations regular budget, authorized by the General Assembly. It was therefore noted that with the expiration of UNDP funding, the financial position of the Institute, and its very future, was uncertain.

35. Practical ways and means of encouraging member States to pay their assessed contributions were discussed by the Meeting. The underlying reasons for the remittances were the chronic economic difficulties of almost all African countries, characterized by high rates of inflation, devaluation of local currencies etc. Other factors might be related to communication gaps that must be overcome, to the absence of a single authority to liaise with in the various countries and to a certain fragmentation of responsibility regarding the decision-making process on matters concerning the Institute at the level of Member States.

36. All ministers and representatives reaffirmed their commitment in support of the Institute as well as their readiness to take remedial action. As it was clear that African Governments wanted the Institute to continue operating as a viable and effective instrument for regional cooperation in crime prevention and criminal justice and increasingly needed its services, ministers and representatives pledged and renewed their countries' political willingness to take steps addressed at providing to the Institute the required financial resources, so as to enable it to achieve its statutory objectives. They also suggested that Member States should pay their dues in the local currency of their countries, through UNDP.

37. Ministers and representatives, while acknowledging the primary responsibility of their Governments for the Institute, recognized, in view of the particular difficulties and constraints affecting the African region and

the imperative of keeping the Institute operational, the need for greater international solidarity in that regard. They thus called upon donor Governments and intergovernmental and non-governmental organizations to provide additional financial and technical support to the African Institute, to enable it to continue to discharge its important mandates. Further, they were unanimous in requesting the Secretary-General to ensure that sufficient resources were provided to the Institute, and the Administrator of UNDP to continue funding the Institute's technical cooperation activities. At the conclusion of its deliberations, the Meeting adopted a Declaration by acclamation.

Topic 2: Action against national and transnational economic and organized crime and the role of criminal law in the protection of the environment: national experiences and international cooperation

38. In introducing topic 2, the Chief of the Crime Prevention and Criminal Justice Branch drew the attention of the Meeting to two workshops to be discussed within this agenda item: one on extradition and international cooperation: exchange of national experience and implementation of relevant principles in national legislation, and the other on environmental protection at national and international levels: potentials and limits of criminal justice.

39. Many participants highlighted the nature, seriousness, types and patterns of transnational criminality, especially economic and organized crime that were posing extremely serious problems in Africa, being perceived as a threat to national economies, democratic institutions and the due processes of law. Corruption was particularly singled out, as central to the prevalence and growth of economic and organized crime, the most common types of the latter being smuggling, especially of arms and, in some countries, of diamonds, drug trafficking, money-laundering, evasion of customs duty and tax, breach of exchange-control laws and regulations, import and export of stolen vehicles, and illegal hunting of wildlife resulting in a total destruction of endangered species.

40. It was observed by some participants that economic and organized crime and corrupt practices were often perpetrated by certain sectors of the business class, sometimes in collusion with the public-service élites who abused their official positions. The problem was compounded by tolerance of and, occasionally, even understanding and sympathy for those crimes among some sectors of the population.

41. The failure to control that kind of criminality was attributable to many factors but, above all, to the fact that many existing legislations and conventional law-enforcement and justice-administration structures were inherently incapable of dealing effectively with organized crime, as they were essentially meant for common or street criminality. As economic and organized crime and related practices always had transnational dimensions, mechanisms for handling those kinds of criminality should include subregional, regional and international cooperation.

42. The Meeting agreed that the pursuit of more politically democratic, economically secure and socially just societies should be considered a prerequisite for any serious effort to stem the tide of economic and organized crime and corruption in the countries of the African region.

43. The participants felt strongly that transnational and organized crime, as well as economic crime, were threatening the security and stability of all countries. Infiltration of the legitimate economy by the operations of organized criminal groups and the proceeds generated by their illegal activities presented a grave danger to society. Countries in transition and countries that were making considerable efforts to structure their economies on the basis of free-market principles were particularly vulnerable. The international community could not afford to overlook the consequences of transnational and organized crime or the fact that it was faced with the challenge of taking immediate and effective action to prevent or control such activity.

44. African Governments viewed those problems with concern. For that reason, in many countries, specific mechanisms against corruption and white-collar crime had been established. For example, in two countries an Office of the Inspector General of Government had been established to back up the Directorate of Criminal Investigations. In addition, a Leadership Code had been enacted, with the aim of establishing a procedure for the behaviour of leaders. The Code went further, establishing punishments including confiscation of property illegally acquired. In some of those countries, legislation to combat corruption had been enacted.

45. All participants stated that there was an increase in both the levels and the sophistication of transnational and organized crime; organized criminal groups were expanding their activities rapidly across national frontiers, taking advantage of gaps in international cooperation. In addition, such groups were vigorously pursuing new types of activity, often moving away or phasing out more traditional activities and diversifying their operations like modern enterprises, using sophisticated management techniques.

46. Mention was also made of the fact that, in recent decades, mobility of individuals crossing borders had increased due to growing economic exchanges of goods, business and travel. In a number of subregions, the situation had been further complicated by migrant workers and the large numbers of refugees who had had to leave their countries of origin due to civil unrest. The situation called for specialized efforts by criminal justice systems in cooperating with neighbouring States. That was particularly true for law enforcement agencies, but also for prosecutors and investigating magistrates, with respect to implementing arrangements of mutual assistance and cooperation. In some cases, however, cooperation was rendered difficult due to differing legal systems and language barriers. There was a need to overcome differences in language and legal tradition in order to make international cooperation more effective.

47. As the smuggling of stolen cars was posing serious problems for many countries, specific measures were proposed to strengthen international cooperation against the import and export of stolen vehicles, as follows:

(a) Each State should refrain from registering imported used vehicles without prior clearance being obtained from the relevant authority in the country of origin. A working group should be established to develop international procedural standards for imported used vehicles and to establish a simple process by which stolen vehicles could be returned to the country of origin;

(b) A joint structure for the coordination and control of court operations should be set up;

(c) Member States should enter into bilateral and multilateral legal arrangements in order to facilitate extraditions.

48. It was also suggested that African countries should enter into a multilateral treaty for obtaining evidence of persons in criminal proceedings by courts of law outside their own country, and for other related matters.

49. In order to combat organized crime more effectively, the following proposals were made:

(a) The capacity of existing international centres, such as the African Institute for the exchange of information and data should be strengthened;

(b) Discrepancies between different legislations should be avoided as far as possible, so that offenders could not benefit from such disparities;

(c) Criminal laws and procedures should be harmonized;

(d) Judicial and legal agreements should be formulated to enhance international cooperation in obtaining evidence;

(e) For the apprehension and prosecution of suspects and execution of sentences, intensive cooperation should be promoted, on the basis of reciprocity and in accordance with national legislation, even before formal agreements were concluded;

(f) Measures should be taken to confiscate the proceeds and profits of crime and to allocate a portion thereof to strengthening national and international bodies and mechanisms devoted to combating crime;

(g) States should be encouraged to continue consultation and cooperation in order to fight new forms of organized crimes effectively.

50. The Director of the Institute informed participants that it had organized a seminar on economic and organized crime and corruption in 1992 in Africa. Its recommendations, as well as the report of the seminar, had been made available to the Meeting. He stressed that any intended strategies at the international level needed to be backed up at the national level with respect to institution building, data collection and intensive use of mass media.

51. It was emphasized by several delegations that terrorism, as a form of violent criminality and of organized crime, presented a direct threat to the well-being of citizens, to national security and to international stability, constituting a frontal attack against government authority, the physical and moral integrity of individuals, public institutions, and the legal and constitutional order of the State itself.

52. Terrorism was also an assault on the foundations of the rule of law, as represented by the values of democracy, freedom, fundamental human rights, individual liberties, the peace and security of citizens and respect for legality. It manifested itself in the form of armed attacks, the killing of civilians, men, women, children, representatives of the forces of law and order, judges, journalists, intellectuals, political figures and individuals from all social and professional circles; the destruction of economic, industrial and administrative infrastructures, and destabilization of the State and of society. It attempted to impose its views by use of force, crime, terror, violence, subversion and destabilization.

53. Moreover, terrorism transcended national boundaries, taking the form of transnational criminality and providing it with sustenance, financial and logistical assistance, the means of subversion, weapons and other support. In view of the dangers which terrorism represented for democracy and the maintenance of the rule of law, as well as for domestic and international security, there was an urgent need for countries and the international community to use every means to combat that phenomenon, condemn its use and combine all the resources of international cooperation in order to eradicate it. The Ninth Congress should accord due consideration and high priority to that important issue.

54. With respect to the role of criminal law in the protection of the environment, it was stated that providing an effective legal and regulatory framework at the international, national and local level, was essential to transform environment and development policies into action. Most international agreements on environment and development required the enactment and enforcement of specific laws and regulations, locally and nationally. The legal process, however, was often ill-adapted to the scale and pace of economic and social change. Developing countries were in particular need of technical support and assistance in the drafting and application of legislation, on environmental issues. Sustainable macro-economic management for socially responsible, efficient and environmentally sound development should be placed at the centre of the development agenda. All sectors of society should participate and contribute to the shaping of that new agenda.

55. In that connection, policies would have to be decided to force changes in the way the environment was perceived in relation to the economy and the provision of goods and services, in order to prevent the depletion of resources and irreversible environmental degradation. Those new policies would facilitate a shift

from a post facto to an anticipatory approach in addressing environmental degradation at its roots. Modifications in decision-making and governmental institutional structures had already started in some countries. To translate policies into action, it was necessary to build and develop appropriate institutional structures and to ensure coordination, thus contributing to the goals of sustainability and satisfaction of human needs.

56. A serious environment-related problem, mentioned by many participants was the killing of endangered species and the smuggling of rhinoceros horns and elephant tusks. The proceeds from those activities had in at least one country been used to fund illegal, anti-democratic activities. A particular difficulty in that context was the policing of borders, in some cases established by colonial powers, dividing tribes and creating difficulties in controlling crossborder activities.

Topic 3: Criminal justice and police systems: management and improvement of police and other law enforcement agencies, prosecution, courts, corrections; and the role of lawyers

57. There was general agreement that successful criminal justice management depended on proper human resources development and refinement of the skills of criminal justice personnel. If the competence of, and technology available to, criminal justice personnel did not match the sophisticated methods by which some types of crime were perpetrated, that would jeopardize the functioning of the complex legal infrastructures, thus undermining the rule of law. Moreover, it would leave the legitimate authorities without the necessary means to react properly, and communities would lose confidence in the administration of justice. All participants recognized that that situation applied particularly to the African region.

58. Furthermore, African countries had inherited a legacy of colonial structures, whose natural tendency was towards repression as a method of government. That clearly went against the grain of traditional African culture, whose values were being revived and revitalized. The structure of the African criminal justice system had to be reconsidered, and its foundations set on a more natural footing, free from the institutional rules of earlier political masters. For that purpose, programmes for the retraining of the police should be established in the region. The same need for retraining existed with respect to criminal justice personnel, including judges who often were unaware of United Nations standards and norms.

59. It was generally agreed that the proper functioning of the police as the gatekeepers of the criminal justice system was of paramount importance. It had a direct impact on the quality of life of individuals as well as of society as a whole. In view of the growing internationalization of crime, law enforcement agencies had to develop new capacities and skills. Participants called particularly for increased use of new technologies in law enforcement, and appropriate training in areas such as investigation techniques, telecommunications, ballistics and drug-related matters.

60. In describing national law enforcement policies, it was reported that several countries had finally introduced political pluralism and, after fair elections, established new political structures. Respect for fundamental human rights had become the main orientation for law enforcement policies and actions. The positive impact of such changes, however, had not yet been fully reflected in the criminal justice systems.

61. Examples of successful strategies were cited, such as community-oriented policing, which was not a soft option but a strategy of choice. Members of the community should be fully involved in crime prevention. Toll-free lines for contacting the police were one way of increasing the active participation of the public. Preventive policing also included neighbourhood-watch schemes, the involvement of the private sector and the media in prevention campaigns, and awards for special initiatives to individuals or local communities.

62. Delegates were of the view that, to ensure the independence of the judiciary, it was necessary to keep in mind such elements as the status of judges, their qualifications, selection, training, conditions and tenure, and professional secrecy and immunity. Independence of judges also meant that an appropriate degree of discretion should always be reserved to the judge. In addition to securing the independence of judges from a legal point of view, it was necessary to ensure conditions of service, including remuneration and job security which would in fact guarantee independence. With reference to the discussions of sentencing practices, a few statements were also made on the abolishment or retention of capital punishment. Many participants welcomed the adoption of the numerous standards and norms adopted by the General Assembly on the recommendation of the Eighth Congress. They provided valuable guidelines in the development of policy and the drafting of legislation for the role of police, prosecutors, lawyers and judges.

63. Many statements illustrated the need for a proper role of the prosecutorial service. In one respect, the position of the prosecutor was comparable to that of a judge, in that it was not subject to interference from any other State authority. Prosecution had to be based on the principle that nobody was above the law. Examples were cited where, as the result of proper investigation by police and prosecutors, even ministers had had to resign and high State officials had been brought to justice. Particularly in view of what was known about organized crime, it was important that the police and prosecution be given a full mandate in any investigations at whatever level.

64. Several countries had set up structures to deal with undue delay of justice, given the stated principle that justice delayed is justice denied. In one country, a multi-agency committee, including all criminal justice agencies, had been set up. It identified reasons for delay at all stages of criminal justice procedure, including a general lack of coordination, human and material constraints hampering, inter alia, timely transportation of personnel and prisoners, lack of training to deal with specialized legal material, and inadequate legislation, for example on the laws of evidence. Measures taken included ongoing computerization of court administration, the establishment of a complaints and discipline office to deal with cases of dishonesty and lack of discipline within the police, a public compiaints commission and the development of internal review procedures for unsolved cases. In another country, a criminal procedures legislation had been enacted, providing for special measures to speed up judicial processes, and a case-flow committee was monitoring pending cases at regular intervals. Those procedures were, however, not intended to diminish the independence of judges in making appropriate decisions.

65. All too often, offenders did not have the necessary means to hire legal defence counsel. While in a number of countries legal aid committees offered counselling, those programmes were severely hampered by financial constraints.

66. The Meeting emphasized that all nations should treat persons deprived of their liberty with humanity and respect for the inherent dignity of the human person. The common assumption that individuals detained for having committed a crime had forfeited their rights as individuals and therefore were no longer fit to live within society was wrong. Since the basic aims of imprisonment were reformation and rehabilitation, such persons were entitled to respect for their physical and moral dignity, as well as to material conditions and treatment befitting human beings.

67. Poor prison conditions continued to be a matter of great concern to many countries of the region, also because recourse to imprisonment as a means of criminal control had increased further, resulting in continued overcrowding of penal institutions. Those institutions were often in a state approaching ruin, a circumstance that inevitably created sub-human conditions for the inmates. Under such circumstances, it was obvious that rehabilitation was no longer a realistic goal. In addition, emerging problems among prison populations, such as drug abuse and the spread of HIV/AIDS, were far more difficult to handle under conditions of overcrowding. In view of the drastic situation in prisons of many countries of the region, the implementation

of the United Nations Standard Minimum Rules for the Treatment of Prisoners should be encouraged through training and material support.

68. Next to the provision of proper shelter, food and clothing for inmates, prison health was one of the main concerns of prison administrators. In many countries the available medical services could not meet the needs of inmates. The spread of AIDS added another serious dimension to the existing difficulties. Several participants called for greater attention to that problem. The WHO Guidelines on HIV and AIDS in Prisons were considered to be helpful policy advice, but countries needed assistance in the translation of those Guidelines into national AIDS plans.

69. Special measures and institutions for certain groups of offenders were also urgently needed. While in some countries successful attempts had been made to build institutions for juvenile offenders, more had to be done to offer special care and treatment for minors sentenced to imprisonment. Open institutions for short-term prisoners had also proved to be effective in avoiding the usual negative side-effect of regular prisons and facilitating reintegration into society.

70. Given the increasing difficulties in the management of over-crowded penal institutions, penal sanctions other than imprisonment had become more important than ever. As such alternatives were fully in line with pre-colonial practices and well embedded in many cultures, the adoption of the United Nations Minimum Rules for Non-Custodial Measures (The Tokyo Rules) by the General Assembly, recommending a broader use of alternatives to the international community, was most welcome. The measures however, still needed appropriate implementation.

71. The development of a large variety of alternatives to imprisonment could considerably alleviate the burden placed on prison administration and improve prison conditions by reducing the number of detainees. The positive experience of States that reported on the effective use of a wide range of such measures was encouraging. It was however felt that more had be done to introduce additional ones. As noted by several participants, developing such measures as correctional supervision or community sentencing required considerable preparation at various levels, from the policy-making bodies down to the local communities which were to receive services from sentenced offenders. Probation officers, non-governmental organizations and the public also needed to be involved. It also required appropriate dissemination of information and training among the legal profession, including prosecutors, judges and lawyers, to change their attitudes in sentencing practices and make them use those new measures.

72. Several participants stressed the important role of non-governmental organizations in the improvement of the administration of justice. In addition to their role in the organization of training workshops and seminars, there were successful examples in a number of countries where such organizations were closely involved in the development of the new community-service programmes or in charge of supervising first offenders working in community-based projects, and assisting ex-offenders after release.

73. The Meeting agreed that the Ninth Congress, under topic 3, should continue to focus on prison conditions, and consider mechanisms to assist States in improving prison conditions through implementation of the appropriate United Nations standards, including the use of non-custodial measures.

74. Participants further reiterated the need to create a more reliable database on criminal justice in the region. The absence of quantitative statistical information in many countries severely hampered policy-making in criminal justice matters. In that context, the Meeting welcomed the publication of the results of the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems and the presentation of a comprehensive review in 1993 (ST/CSDHA/15), expressing the hope that, with an increasing level of computerization and assistance in the development of national capacities for the collection of statistical information, the number of African countries contributing to the United Nations world crime surveys would

further increase. The Institute should play a major role in providing such expertise and continue to coordinate contributions from the African region. That would, nevertheless, require considerable support in staff training, acquisition of equipment and communications.

75. The training activities undertaken by the Institute were particularly welcome. They had focused on issues such as crime prevention and criminal justice planning, reforms of penal laws and procedures and the implementation of United Nations standards and norms. The 1993 Workshop on Training Needs and Future Training Requirements of African Countries for Heads of Institutions of Crime Prevention and Criminal Justice had identified topics for consideration by African countries and coordination by the Institute.

76. Participants also expressed their appreciation for the advisory services and the training programmes, which had proved useful in helping to find appropriate solutions and upgrade the professional skills of staff. The necessity of further expanding such activities was strongly emphasized and all those who contributed to them were encouraged to continue their active support.

77. Representatives of non-governmental organizations pointed out that such organizations were ready again to contribute substantively to the next Congress as they had done to past ones. They were already actively involved in many projects and looked forward to sharing their views, not only in the ancillary meetings to the Congress, traditionally organized by non-governmental organizations, but also in all other events. Participants welcomed that initiative and encouraged further active involvement of non-governmental organizations in that area.

Topic 4: Crime prevention strategies, in particular as related to crime in urban areas and juvenile and violent criminality, including the question of victims: assessment and new perspectives

78. Urban criminality and violence in the urban context had gained greater dimensions over the recent years. All participants agreed that, even though crime rates were lower in Africa than in developed countries, urban crime and juvenile delinquency had gained greater dimensions in recent years and currently represented a problem for all African countries and cities. Preventive measures were therefore needed in Africa, in order to prevent that trend continuing and reaching the level existing in other parts of the world. Many participants welcomed the inclusion of the topic in the Congress agenda, as it would offer a forum for a concerted approach in that field. The two workshops to be held during the Congress on: urban crime and crime prevention; and prevention of violent crime would also permit information sharing and facilitate the elaboration and funding of technical assistance activities.

79. Delegations unanimously recognized that poverty played a very important role in the criminalization of the population in Africa. The deterioration of the economic situation of the whole continent increased social imbalances and, in turn, crime rates. The burden of external debt, as well as the recent devaluation of African currencies further widened the gap between developed and developing countries. Several delegations expressed their concern about the increase in what was termed "subsistence delinquency", because many crimes committed by young people arose from the simple need to satisfy basic requirements, such as food and clothing. Therefore, the view was expressed that alleviating absolute poverty was a starting point for the prevention of crime.

80. Crime in the urban context was one of the consequences of the growth of African cities. In addition to the natural growth of the population, the problem of large-scale movement of persons as migrants in search of greater economic opportunities, or as refugees from violence and persecution, created a number of problems for cities, which usually could not provide the services and facilities needed. While those newcomers deserved special attention from the whole community and public authorities, they had to struggle

to become integrated in society, as well as to find jobs, which most of the time did not exist. Expectations of migrants from rural to urban environments were rarely met. Unemployment, health and education problems added to the existing frustration of cutting existing family and community ties. As a consequence, increasing opportunities in rural areas were deemed essential to alleviate the demographic pressure on cities. Some countries had implemented district focused strategies for rural development, so as to make life less difficult and more attractive, particularly to young people.

81. One of the most important differences between rural and urban life was the weakening of traditional extended family and community life. Family patterns had proved to change very quickly in the urban context. Such phenomena as broken homes, single-parent households and street children were among the results of that situation, and young people were certainly the main victims of those changes. Several participants stressed the need to strengthen the family, as a central entity for social stability, and to make it a major beneficiary of social development projects, as well as crime prevention strategies. As it was the primary provider of education in regard to the law, the family could play a major role in decreasing the level of violence in society. However, it was also stressed that part of the traditional social functions of the family were currently played by several other institutions, such as schools and social associations, which coexisted with the family.

82. Social institutions played a leading role in the integration of young people in society. The weaknesses or the lack of existing social structures often contributed to the criminalization of the youth. Among them, educational structures were unanimously considered as essential, both for emancipating the young and for providing the functional and practical knowledge necessary to find employment. Lack of proper educational opportunities, including sensitization to moral and ethical values, contributed to unemployment and ultimately to criminality. In order to prevent recidivism, proper education mechanisms should also be put in place for the prison population.

83. Even though education was considered a necessary component of crime prevention strategies, it was not sufficient in itself to solve the problem of juvenile delinquency. Preventive strategies, particularly in the urban context, required a multiplicity of activities and the proper involvement of as many actors as possible. Several participants stressed that, while specific measures were being taken by the courts or the police, prevention strategies had become a specialty in itself. Several participants stated that crime prevention councils or committees, which included various ministries, agencies or administrative services, had been created in their country. A multiplicity of institutions existed and worked together, such as judicial institutions, extrajudicial institutions such as reinsertion and rehabilitation services, associations and non-governmental organizations competent in various fields such as youth care, treatment of drug-addiction, literacy, as well as "proximity structures", e.g. associations based in each defavourized district or quarter of cities which aimed to improve the quality of life in the district.

84. It was also stressed that the Proposed Guidelines for the Prevention of Urban Crime, which the Economic and Social Council took note of in its resolution 1993/27, on the recommendation of the Commission on Crime Prevention and Criminal Justice, were useful in permitting a better focus of technical assistance projects. The provisions they contained on the partnership between national authorities and local actors were very relevant, particularly in view of the important role played by non-governmental organizations in social activities in Africa.

85. Several participants stressed the lack of urban planning in African cities. Appropriate strategies for the development of urban areas, taking into account situational crime prevention measures, would be a useful investment for safer cities. Well-planned low-cost housing, especially in shanty towns, could also diminish opportunities for criminal activities. Another way of promoting crime prevention in a non-expensive way was the development of community policing. In that context, police forces were placed either in villages or in residential areas where they educated people on measures they could take to prevent themselves and their

property being easy targets for crime. Promoting the spirit of communal life in those communities, in the interest of lessening chances of anonymity, was at the centre of those initiatives.

86. Several participants expressed the view that, although the current criminal justice systems were built to uphold the authority of the State, not enough was done for the victims of crime. That system, carried over from colonial times, deprived victims of their natural right to obtain redress, restitution and compensation, as had been the case in many local communities in earlier times. Some improvements in legislation and practice had been noticed recently, designed to avoid the neglect and lack of attention to victims, who were dissatisfied because they were so often forgotten.

87. Several participants stressed the alarming growth of violent crimes. The use of firearms had increased in several countries, as a consequence of political disorders or civil wars. Even after the cessation of war, the use of weapons had continued, leading to the creation of a climate of violence and fear. Several participants described policies that had been implemented in their countries to prevent public violence. In some instances, institutions, such as commissions of inquiry, had been created to monitor public violence and intimidation. Often, however, witnesses to acts of public violence were afraid to testify in trials. Protection by the police for such witnesses was essential if the phenomenon of violence were to be combated successfully.

88. Such measures were all the more necessary as violent crime, linked to terrorist activities, had recently taken significant proportions in some parts of the region. In Africa, whose peoples had traditionally lived by ancestral rules of community, probity and social harmony, certain aspects of rapid change had disturbed the serenity and upset the equilibrium of society. That had led to the creation of numerous areas of tension, the breakdown of the social fabric and the decline of the sense of citizenship and morality. Those were additional elements which should be taken into account in planning and implementing appropriate crime prevention strategies.

III. ADOPTION OF THE REPORT OF THE MEETING

89. At its final session, the Meeting approved the report introduced by the Rapporteur. It also adopted a resolution on effective action against national and transnational crime. At the first Joint Meeting of African Ministers of the Interior and Justice, which had been held currently with the discussion of topic 1 of the Preparatory Meeting, a Declaration on the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders had been adopted. That text was fully endorsed by the Meeting.

90. After the adoption of the report, closing statements were made by a number of delegations and the Chief of the Crime Prevention and Criminal Justice Branch, all expressing gratitude to the host country, for the generous hospitality provided by the Ugandan Government. Several statements were also made regarding problems in communications or the provision of travel assistance which had hampered the participation of many African countries. As an example, it was noted that the majority of African countries had not submitted responses to the Fourth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems and that only one country had answered the Survey on Transnational Crime, as a supplement to the Fourth Survey. Both questionnaires were distributed to the participants with a request to send their responses as soon as possible. In that connection, it was also felt necessary for the Secretariat to contact the relevant governmental departments directly, in particular the ministries of justice and the interior, in addition to the contacts through the Permanent Missions in New York or Vienna. The matter should be brought to the attention of the Commission on Crime Prevention and Criminal Justice, at its next session, with an urgent request to examine it and provide appropriate guidance.

Annex I

LIST OF PARTICIPANTS

States Members of the United Nations

Algeria

Nabil Hattali, President of the Chamber of the Supreme Court and Counsellor to the Minister of Justice

R. Souibes, Ambassador of Algeria in Kampala, Uganda

Ali Idris, Director of Penal Affairs in the Ministry of Justice

Louardi Benabid, President of the Court, Annaba

Messaoud Mehila, First Secretary, Embassy of Algeria in Kampala, Uganda

Botswana

A. B. Tafa, Deputy Attorney General

N. S. Moleboge, Deputy Commissioner of Police

B.F.W. Lekoko, Commissioner of Prisons

H. Kau, Staff Officer to Commissioner of Prisons

Burkina Faso

Larba Yarga, Garde des Sceaux, Minister of Justice

Jean Bado, Magistrate, Technical Adviser to the Minister of Justice

Burundi

Bernard Sekaganda, Deputy Commissioner of Police

Damien Muuyekuie

Cape Verde

Henrique Monteiro, Public Prosecutor, Ministry of Justice

Central African Republic

M. J. Mbo sso, Minister of Justice

J. C. Dobanga-Bothy, Minister of Interior

Roger Feiton Hainat, Inspector General of Police

Zacharie N'Douba, Magistrate, Public Prosecutor

Comoros

Ahamada Aboudou, Chief, General Intelligence and Territorial Security

Egypt

Fouad Cherif, Ambassador of the Arab Republic of Egypt in Kampala, Uganda

Omar Ads, First Assistant to the Minister of Internal Affairs and President of the Police Academy

K. H. Fakhairy, Ministry of Justice

Sana Sayed Khalil, Legal Counsellor, Ministry of Justice

Mahmoud Allam, Counsellor, Ministry of Foreign Affairs

Ibrahim H. M. Hammad, Ministry of Interior

B. Helmy, Ministry of Foreign Affairs

Gambia

Hassan Jallow, Attorney General and Minister of Justice

Fatou B. Bensouda, Deputy Director of Public Prosecutions, Ministry of Justice

Kenya

Benjamin Patrick Kubo, Solicitor General

Lesotho

A. L. Lehohla, Minister of Home Affairs

J. R. Motaung, Major, Office of the Commissioner of Police

N. E. Sefali, Superintendent of Prisons

L. A. Khalema, Principal Probational Officer

P. S. Leboela, Deputy Principal Secretary, Ministry of Home Affairs

Libyan Arab Jamahiriya

A. A. Bujeldian, Ambassador of Libya in Kampala, Uganda

Madagascar

Edmond Razafindranaivo, Director of Correctional Education

Malawi

W. T. Mwale, Director of Prisons

Mauritania

Ould Mohamed Mahmoud, Ministry of Interior

Mozambique

Linder Lucas Gazela, Director of Interpol, Maputo

Namibia

Marthinus Albertus Pool, Deputy Inspector General of the Namibian Police Force

Nigeria

Mamman Daura, Ambassador of Nigeria in Kampala, Uganda

Rwanda

Charles Ntagozera, Director General, Ministry of Justice

Sierra Leone

L. A. Sumah, Permanent Secretary, Department of Internal Affairs and Rural Development

South Africa

S. P. Malan, Correctional Service

W. Crove, South African Police

J. P. Steyn, South African Police

S. G. Nel, Director, Justice Department

R. B. Robilliard, Correctional Service

Sudan

M. H. Khalid, First Secretary, Sudan Embassy in Kampala, Uganda

Swaziland

M. M. Simelane, Minister of Justice

Edgar E. Hillary, Commissioner of Prisons

Ambrose N. N. Maseko, Under-Secretary, Ministry of Justice

Zaccheus P. Dube, Assistant Commissioner of Police

Tunisia

Ben Aïssa Bechir, Ambassador, Permanent Representative to OAU

Uganda

Tom Butime, Minister of State for Internal Affairs

F. Mugasha, Permanent Secretary, Ministry of Internal Affairs

Joseph Etima, Commissioner of Prisons

Nathan Irumba, Director, International Organizations

Herbert Karugaba, Director of CID (Police)

Rufina A. Ocago, Acting Commissioner, Ministry of Labour and Social Affairs

J. B. Semambo-Kalema, Acting Director, Legal Department

Lucian Tibaruha, Senior Principal State Attorney, Ministry of Justice

S. P. Wabulya, Senior Lecturer, Social Work & Social Administration

J. Kaboggoza-Sembatya, Acting Principal Probation Welfare Officer, Ministry of Labour and Social Welfare

United Republic of Tanzania

Augustine D. Shio, Senior State Attorney, Attorney General's Chambers, Ministry of Justice

Zaire

Lugerero Lufungulo, Chargé d'Affaires, Embassy of Zaire in Kampala, Uganda

Mukaka Ngbama, Embassy of Zaire in Kampala, Uganda

Zambia

L. Sondashi, Minister of Legal Affairs

C. M. Sampa, Minister of Home Affairs

Joelk Chitafu, High Commissioner for Zambia to Uganda

W. B. Silweya, Deputy Permanent Secretary, Ministry of Home Affairs

F. K. Ndhlovu, Inspector-General of Police

L. N. Muuka, Assistant Senior State Advocate, Ministry of Legal Affairs

Zimbabwe

D. Dabengwa, Minister of Home Affairs

E. Z. Ngwenya, Deputy Commissioner of Police

W. Chimboza, Deputy Director of Prisons

Observers

Holy See

Luis Robles Diaz, Apostolic Nunciature in Uganda

Eugenio Reyes, Apostolic Nunciature

John Mary Waliggo, Uganda Catholic Secretariat

L.E.M. Mukasa Kikonyogo, High Court of Uganda

United Nations Secretariat

Economic Commission for Africa; Crime Prevention and Criminal Justice Branch, United Nations Office at Vienna; Department of Public Information, United Nations Headquarters

United Nations bodies

United Nations Development Programme, Kampala; United Nations Operation in Somalia

Specialized agencies of the United Nations

United Nations Educational, Scientific and Cultural Organization, regional office; World Health Organization

Regional institutes

Arab Security Studies and Training Centre; African Institute for the Prevention of Crime and the Treatment of Offenders

Intergovernmental organizations

International Organization for Migration; Organization of African Unity

Non-governmental organizations in consultative status with the Economic and Social Council

Category I: International Committee of the Red Cross; International Council for Adult Education; Muslim World League; Pax Romana; category II: Prison Fellowship International

Other organizations

Alliance of NGOs on Crime Prevention and Criminal Justice (New York)

Annex II

LIST OF DOCUMENTS

A. Basic documents

Discussion guide	A/CONF.169/PM.1
Discussion guide on demonstration and research workshops to be held at the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders	A/CONF.169/PM/CRP.1
Provisional agenda, with annotations, and proposed schedule of work	A/CONF.169/PM.2

B. Background documents

Report of the United Nations Commission on Crime Prevention and Criminal Justice on its second session	E/1993/32
Report of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders	A/CONF.144/28/Rev.1
Report of the Secretary-General on the African Institute for the Prevention of Crime and the Treatment of Offenders	A/48/332
Violence against women in all its forms	Economic and Social Council resolution 1993/26
Proposed guidelines for the prevention of urban crime	Economic and Social Council resolution 1993/27
Preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders	Economic and Social Council resolution 1993/32
African Institute for the Prevention of Crime and the Treatment of Offenders	General Assembly resolution 48/101
Prevention of alien smuggling	General Assembly resolution 48/102
Crime Prevention and Criminal Justice	General Assembly resolution 48/103
African Institute for the Prevention of Crime and the Treatment of Offenders	Background document to the First Joint Meeting of the African Ministers of Interior and Justice